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6 *Attorneys for Defendant,*
7 *Jayson Artinger, Gregory Martin, John Fischer*
8 *and Denita Munster*

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 RAYMOND JACKSON,

12 Plaintiff,

13 v.

14 PHILSON, et al.

15 Defendants.
16

Case No. 3:20-cv-00009-GMN-CLB

**MOTION FOR EXTENSION OF TIME TO
FILE SETTLEMENT STIPULATION AND
PROPOSED ORDER FOR DISMISSAL
(SECOND REQUEST)**

17 Defendants, Jayson Artinger, Gregory Martin, John Fischer, and Denita Munster, by and
18 through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Nathan C. Holland,
19 Deputy Attorney General, hereby submit this Motion for Extension of Time to File Settlement Stipulation
20 and Proposed Order for Dismissal. (Second Request) This Motion is based on Federal Rule of Civil
21 Procedure 6(b)(1), the following Memorandum of Points and Authorities and all papers and pleadings on
22 file in this action.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. INTRODUCTION, PROCEDURAL HISTORY AND RELEVANT FACTS**

25 Defendants respectfully request an extension of time of 60 days to file a Stipulation and Proposed
26 Order for Dismissal from the current deadline of **March 26, 2021**, to **May 26, 2021**. On January 26, 2021,
27 a settlement agreement was reached between the parties, wherein Plaintiff agreed to withdraw the
28 complaint in the instant action as it is duplicative with Case No. USDC 3:19-cv-00115-MMD-WGC. On

1 February 25, 2021, this Court granted Defendant's request to extend time to file the settlement stipulation
2 and proposed order for dismissal, extending the deadline from February 25, 2021, to March 26, 2021. ECF
3 No. 26.

4 Counsel now requires additional time to obtain signatures on the Settlement Agreement and
5 Stipulation and Order. For several weeks, Plaintiff had failed to return a signed copy of the Settlement
6 Agreement and Stipulation and Order, and Defendants did not hear any response from Plaintiff regarding
7 the proposed Settlement Agreement and Stipulation and Order. Out of an abundance of caution Defendants
8 again mailed the Settlement Agreement to Plaintiff for his review and signature. After not hearing back for
9 several days, defense counsel requested that Correctional Caseworker Specialist Allred personally deliver
10 the Stipulation and Order to Plaintiff. Defense counsel again received no response. Accordingly, defense
11 counsel scheduled teleconferences with Plaintiff to discuss any issues, concerns or revisions Plaintiff may
12 have to the Settlement Agreement, in hopes of resolving the matter without further litigation. These
13 teleconferences have been rescheduled due to Plaintiff's institutional necessity, and not to any fault of
14 defense counsel.. Defense counsel has, at all, times, diligently attempted to resolve the instant matter.

15 Defense counsel currently has a teleconference scheduled with Plaintiff on Thursday May 6, 2021.
16 At that time, counsel will discuss the proposed Settlement Agreement with Plaintiff in an attempt to
17 conclude this matter as it was agreed to during the early mediation conference. Assuming all remains as
18 agreed to, counsel will effectuate the necessary steps to complete resolution and dismissal of the instant
19 case. However, should Plaintiff no longer agree to the parties' settlement, counsel will move this Court to
20 enforce the settlement agreement. As the March 26, 2021, deadline to file the Stipulation and Order has
21 lapsed, counsel is updating the Court of the current status of the case, all steps taken by counsel to comply
22 with this Court's orders and the parties' settlement agreement and counsel's diligent attempts to rectify the
23 issues prior to litigation

24 **II. LEGAL ARGUMENT**

25 Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

26 When an act may or must be done within a specified time, the court may,
27 for good cause, extend the time: (A) with or without motion or notice if
28 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

1 Good cause exists to extend the time to file a Settlement Stipulation and Proposed Order.
2 Defendants' request will not hinder or prejudice Plaintiff's case. The requested 60-day extension should
3 permit Defendants' counsel time to draft the necessary documents and obtain all required signatures.
4 Further, there will be no prejudice to Plaintiff as he has agreed to a settlement in this matter, this claim
5 is duplicative of Case No. USDC 3:19-cv-00115-MMD-WGC and the parties are in the process of
6 attempting to execute the necessary documents. However, should Plaintiff no longer agree to the
7 parties' settlement from the EMC, Defendants will move to enforce the same. Allowing an extension of
8 time gives Plaintiff the opportunity to discuss any questions, concerns or potential issues that can be
9 resolved prior to the initiation of litigation. Accordingly, both the parties' and this Court's resources can
10 be saved by a brief extension of time to allow for hopeful resolution of the above issues.

11 For these reasons, Defendants respectfully request a 60-day extension of time from the current
12 deadline to file a Settlement Stipulation and Proposed Order or, alternatively, to move this Court to
13 enforce the settlement agreement, with a new deadline to and including **May 26, 2021**.

14 DATED this 4th day of May, 2021.


15 AARON D. FORD
16 Attorney General

17 By: /s/Nathan C. Holland
18 NATHAN C. HOLLAND, Bar No. 15247
19 Deputy Attorney General
20 State of Nevada
21 Public Safety Division

Attorneys for Defendants

22 IT IS SO ORDERED.

23 Dated: May 6, 2021

24 
25
26 UNITED STATES MAGISTRATE JUDGE
27
28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada and that
3 on this 4th day of May, 2021, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF**
4 **TIME TO FILE SETTLEMENT STIPULATION AND PROPOSED ORDER FOR DISMISSAL**
5 **(SECOND REQUEST)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the
6 following:

7 Raymond Jackson, #1113737
8 Care of ESP Law Librarian
9 P.O. Box 1989
10 Ely, NV 89301
11 ESP_LawLibrary@doc.nv.gov
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/s/Perla M. Hernandez
An employee of the
Office of the Attorney General